

**ORIGINAL**

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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 -----X  
4 THABO SEFOLOSHA,

5 PLAINTIFF,

6 -against- Docket No.:  
7 1:16-cv-02564-JMF

8 P.O. JOHN PAUL GIACONA, P.O. JORDAN ROSSI, P.O. RICHARD  
9 CASTER, P.O. DANIEL DONGVORT, P.O. MICHAEL O'SULLIVAN, and  
10 THE CITY OF NEW YORK,

11 DEFENDANTS.  
12 -----X  
13 PERO ANTIC,

14 PLAINTIFF,

15 -against- Docket No.:  
16 16-CV-2425

17 CITY OF NEW YORK, et al,

18 DEFENDANT.  
19 -----X

20 DATE: January 11, 2017

21 TIME: 11:11 a.m.

22 DEPOSITION of the Plaintiff, THABO SEFOLOSHA,  
23 taken by the respective parties, pursuant to the Federal  
24 Rules of Civil Procedure, held at the offices of the  
25 Atlanta Hawks Philips Arena, 1 Philips Drive, Atlanta,  
Georgia 30303, before Cindy Gatewood, Certified Court  
Reporter,

## 1 A P P E A R A N C E S:

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File #: 2016-011032

24 Control #: 164180

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1 F E D E R A L S T I P U L A T I O N S

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4 IT IS HEREBY STIPULATED AND AGREED by and between  
5 the counsel for the respective parties herein that the  
6 sealing, filing and certification of the within deposition  
7 be waived; that the original of the deposition may be  
8 signed and sworn to by the witness before anyone authorized  
9 to administer an oath, with the same effect as if signed  
10 before a Judge of the Court; that an unsigned copy of the  
11 deposition may be used with the same force and effect as if  
12 signed by the witness, 30 days after service of the  
13 original & 1 copy of same upon counsel for the witness.

14

15 IT IS FURTHER STIPULATED AND AGREED that all  
16 objections except as to form, are reserved to the time of  
17 trial.

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T. SEFOLOSHA

1 shut down?

2 A. They turned the lights on, cut the music off, and  
3 the security inside asked everybody to leave.

4 Q. Now, when you say there was an incident outside,  
5 as you sit here now you know that that was the stabbing  
6 incident.

7 A. Correct.

8 Q. At the time when security was asking people to  
9 leave, did you know that that had, in fact, happened?

10 A. No.

11 Q. Now, you had mentioned yourself, Mr. Rosenberg,  
12 Mr. Antic, and another friend of Mr. Rosenberg's. Did you  
13 meet anyone else while you were inside the club that night?

14 A. Yes.

15 Q. Who?

16 A. I mean, we met a lot of people. It was friends  
17 of Rosenberg. He had multiple people that he knows, so we  
18 casually talked to a lot of people.

19 Q. Okay. Anyone that you met where they told you  
20 their name, their full name, first and last name?

21 A. A lot of people told me their first name.

22 Q. Okay. Well, let me ask it a different way. When  
23 you left the club, who did you leave the club with?

24 A. Okay. So I left with Pero Antic, and it was also  
25 two ladies that were leaving at the same time that we were

T. SEFOLOSHA

1 that were kind of with us.

2 Q. Okay. And would those two ladies be Ms. Carolyn  
3 Colon and Ms. Cherisse Porter?

4 A. Correct.

5 Q. Did you happen to see Mr. Copeland inside of 1  
6 Oak that night?

7 A. No, I didn't.

8 Q. So you didn't know he was there.

9 A. I didn't know he was there.

10 Q. All right. Anything happen inside the club of  
11 import or was it a pretty uneventful night just hanging out  
12 by the table?

13 A. Uneventful night, uh-huh (affirmative).

14 Q. Now, you mentioned Ms. Colon and Ms. Porter.  
15 Were they hanging out with you at the table inside the  
16 club?

17 A. At some point I believe, yes, towards the end.

18 Q. Okay. Do you have any mutual friends?

19 A. Yes, we do.

20 Q. Okay. And who were they?

21 A. That's one of my teammates.

22 Q. Currently?

23 A. Yes.

24 Q. And who is that?

25 A. Mike Scott.

T. SEFOLOSHA

1     presently?

2           A.       Once.

3           Q.       Like once a month?

4           A.       Yeah.

5           Q.       All right. Now I want to take you back to that  
6     evening or early morning. The moment you leave the club,  
7     the moment you exit, tell me what you see.

8           A.       So I see some lights, ambulance or police lights,  
9     flashing lights. And to the left of the club a few feet  
10    down I see the yellow line and --

11          Q.       When you -- you can finish.

12          A.       -- and a lot of people there.

13          Q.       So when you say you saw flashing lights, did you  
14    see flashing lights from an ambulance, from a police car,  
15    both?

16          A.       Both.

17          Q.       So you saw when you walked out of the club an  
18    ambulance was present?

19          A.       Further to the left, yes.

20          Q.       Okay. And how many police cars were present?

21          A.       I don't know.

22          Q.       More than one?

23          A.       I don't know.

24          Q.       Okay. Did you see at least one police car?

25          A.       Yes.

T. SEFOLOSHA

1 Q. And then you said there was a yellow line to your  
2 left. Are you referring to what's known as crime scene  
3 tape?

4 A. Correct.

5 Q. And you also mentioned that there were a lot of  
6 people. Again, approximately how many people would you say  
7 you saw when you left the club?

8 A. So everybody kind of left at the same time, the  
9 club, once they turned on the lights and everything, so I  
10 want to say about -- in the vicinity roughly about between  
11 30 to 50 people.

12 Q. Now, you said you saw at least one police car.  
13 Did you see any police officers in a blue uniform?

14 A. Yes.

15 Q. Okay. Approximately how many police officers did  
16 you see?

17 A. I saw probably I want to say -- at first sight  
18 probably four or five.

19 Q. And at that particular time, the moment you first  
20 stepped outside, did you hear the police officers say  
21 anything or giving any direction?

22 A. Yeah.

23 Q. Okay. What did you hear them say at that moment?

24 A. To go towards the right.

25 Q. Now, when you -- again, the moment you walk out

T. SEFOLOSHA

1 of the club, you see the flashing lights, you see police  
2 officers, you see an ambulance, you see the crime scene  
3 tape. At that time, in your mind did you say, "Oh,  
4 something happened"?

5 A. Yeah.

6 Q. Okay. Did you say to yourself, "Okay, there was  
7 a crime scene here"?

8 A. No.

9 Q. You never said that?

10 A. No, I didn't say that.

11 Q. Okay. No, I mean to yourself. Like were you  
12 thinking that?

13 A. A crime scene, no. I said something happened,  
14 yeah.

15 Q. Okay. All right. So right after you step out of  
16 the club, you see what you see, what's the first thing you  
17 do?

18 A. Well, I start moving towards -- towards the  
19 street where they were pointing at.

20 Q. Okay. If I told you that to the right was toward  
21 10th Avenue --

22 A. So I was walking towards 10th Avenue.

23 Q. Okay. And approximately how far did you go from  
24 the front door of 1 Oak before it is that you stopped?

25 A. I did probably between eight to ten steps.



T. SEFOLOSHA

1 Q. Okay. And why is it that you stopped after eight  
2 to ten steps?

3 A. I mean, I was far away from anything that was  
4 going on. It was still a lot of people there. I was  
5 saying good-bye and figuring out with my teammate kind of  
6 what was -- you know, what we were doing.

7 Q. What do you mean figuring out what you were  
8 doing?

9 A. I mean, everything stopped so quickly in the --  
10 at the club that we didn't really say, "Okay, now we're  
11 going home, we're doing this, we're doing that." So I was  
12 just -- he was talking with some people, I was talking with  
13 some people, so we were just finishing up the night.

14 Q. Okay. Is it fair to say that you were figuring  
15 out maybe where to go next, whether it's the hotel, get  
16 some food, go to another venue?

17 A. Yeah, it's fair.

18 Q. Okay. When you stopped after the first eight to  
19 ten steps, who was with you?

20 A. Cherisse and Carolyn.

21 Q. And once you stopped after the eight to ten  
22 steps, did you have any conversation among the three of  
23 you?

24 A. Yes.

25 Q. Okay. And what was that?

T. SEFOLOSHA

1           A.       So they said that the street being blocked off  
2       was a problem for them because they had the car on the  
3       other side of the street.

4           Q.       Did you say anything in response?

5           A.       Not really. I mean, I didn't know really what to  
6       say.

7           Q.       Okay. Now, when you're stopped, do you have any  
8       interaction with any police officers at that time?

9           A.       So very quickly one of the officer -- a police  
10      officer comes to me and start telling me specifically that  
11      I have to keep moving, that I have to get out of here.

12          Q.       All right. And why do you say that the officer  
13      was talking to you specifically?

14          A.       Because he looked at me and he was talking to me.  
15      I mean --

16          Q.       And can you describe that officer?

17          A.       It's been a while.

18          Q.       If I gave you a name, would it may possibly jog  
19      your memory?

20          A.       Yeah.

21          Q.       Okay. The officer, was his name Officer Giacona?

22          A.       Yes.

23          Q.       Okay. When you had stopped -- you said you took  
24      eight to ten steps to the right.

25          A.       Correct.

T. SEFOLOSHA

1 A. Exactly.

2 MS. EILENDER: Objection.

3 Q. All right. So what, if anything, do you say or  
4 do in response to Officer Giacona coming up to you and  
5 saying --

6 A. Well, I take a few more steps towards 10th  
7 Street.

8 Q. When you say a few more steps, how many are we  
9 talking about?

10 A. Another ten steps probably, six to ten steps.

11 Q. Okay. And then after you take those six to ten  
12 steps, is it fair to say that you stop again?

13 A. Yes.

14 Q. Okay. And who are you with when you stop again?

15 A. The same people.

16 Q. Okay.

17 A. Yes.

18 Q. And are you now in the street or are you still on  
19 the sidewalk?

20 A. Sidewalk.

21 Q. Okay. And then after you take a few more steps,  
22 six to ten steps, what happens?

23 A. My teammate, who was close to the door, meet up  
24 with me and the group. And after that we keep walking, but  
25 at this point the officer is again talking to me and now in

T. SEFOLOSHA

1 a more aggressive way telling me to get out and started  
2 using profanity, telling me to get the fuck out.

3 Q. Okay. And that's the same officer as before?

4 A. Same officer.

5 Q. And when this officer, Officer Giacona, comes  
6 over to you a second time, are you standing stationary?

7 A. He didn't come the second time. He never really  
8 left.

9 Q. Okay.

10 A. He was just there. My teammate caught up with us  
11 right at that point, so we talk for just a second or two.  
12 And we keep walking, but he's right there talking to us and  
13 to me in particular telling me I've got to get out and keep  
14 moving and all this.

15 Q. Okay. So the first time that you took eight to  
16 ten steps and stopped, how long would you say that you were  
17 stopped for?

18 A. I want to say maybe 45 seconds. Less than a  
19 minute probably.

20 Q. Okay. And then the second time when you took a  
21 few more steps, six to ten steps, how long were you  
22 stationary for?

23 A. Less than 30 seconds.

24 Q. And you said that Officer Giacona never left, he  
25 kind of stayed in your general area. About how far was he

T. SEFOLOSHA

1 from your group?

2 A. I want to say maybe two arm lengths.

3 Q. Your arm lengths or mine?

4 A. His.

5 Q. Okay. So mine. Now, you said that the second  
6 time he told you to move, to leave, he was more aggressive  
7 and used foul language.

8 A. Correct.

9 Q. All right. What leads you to believe that he was  
10 more aggressive the second time?

11 A. Like I said, he started using -- using cuss  
12 words, and he's close to actually pushing us, pushing me  
13 towards where he wanted me to go.

14 Q. Okay. What was he actually doing with his hands?  
15 Well, I'll rephrase the question. Did he actually  
16 physically push you?

17 A. No. He put his hands in front of him and pointed  
18 with one hand kind of acting like he want -- like he was  
19 pushing us.

20 Q. Okay. So with one hand he was gesturing as if  
21 like he was going to escort you in one direction, and with  
22 the other hand he was pointing toward 10th Avenue.

23 A. Correct, yes.

24 Q. Okay. Now, you mentioned he was using curse  
25 words or cuss words. Do you remember what he specifically

T. SEFOLOSHA

1 said?

2 A. I believe it was, "Get the fuck out, you've got  
3 to get the fuck out."

4 Q. Did you respond in any way?

5 A. Yes.

6 Q. How did you respond?

7 A. I said that we were listening to him, that he  
8 didn't have to talk to us this way.

9 Q. Okay. And did he respond to you?

10 A. Yeah. He kept saying the same thing.

11 Q. Which was, "You have to get the fuck out."

12 A. Yeah.

13 Q. So what happens after that, the second time where  
14 Officer Giacona tells you you have to get the fuck out --  
15 well, the first time he says to move, and the second time  
16 he says to get the fuck out.

17 A. Well, then we keep moving, and he keeps saying  
18 it.

19 Q. How many times would you say -- again,  
20 approximate. How many times would you say that that  
21 officer, Officer Giacona, told you to move or leave that  
22 night?

23 A. It's hard to tell. I would be guessing if I gave  
24 you an exact answer.

25 Q. Yeah, you don't have to give me an exact answer.

T. SEFOLOSHA

1 Ballpark. Was it more than ten times?

2 A. It was approximately between six to ten times  
3 probably.

4 Q. Okay. Now, after he -- you know, you said that  
5 you keep moving and he keeps saying it. What happens at  
6 that point?

7 A. Well, I point out the fact that there's a lot of  
8 people in the streets, and I'm asking him why he's coming  
9 at me and asking me to leave when there's so many people  
10 out there in the street.

11 Q. Did he respond to you?

12 A. Yeah.

13 Q. What did he say?

14 A. He said, "Because I'm telling you to. I'm the  
15 police."

16 Q. And where did that exchange happen?

17 A. Even closer to 10th Street, as we were walking  
18 towards 10th Street. We were almost at the corner at that  
19 point.

20 Q. All right. So between 1 Oak, the door, and 10th  
21 Avenue, you'd say it's not in the middle but a little  
22 closer to 10th Avenue?

23 A. Correct.

24 Q. After Officer Giacona says, "Because I'm the  
25 police and because I'm telling you to," what happens after

T. SEFOLOSHA

1 A. Not that I can recall.

2 Q. Okay. Have you ever used that word before?

3 A. Have I used it before in my life?

4 Q. Yeah.

5 A. Yes.

6 Q. Okay. Did you ever say something to the effect  
7 of like, "I'm sorry you're short and I'm in a better  
8 financial position than you are"?

9 A. No.

10 Q. Okay. Did you ever refer to your financial  
11 position as opposed to his?

12 A. I don't recall exactly what was said on both  
13 sides, so I'll say no.

14 Q. Okay. Did you eventually get to the corner of  
15 17th Street and 10th Avenue?

16 A. Yes.

17 Q. Okay. How long did it take for you to get from  
18 the door of 1 Oak to that corner?

19 A. A few minutes.

20 Q. When you say a few minutes, like two minutes or  
21 four minutes?

22 A. I believe it was less than five, so --

23 Q. Okay. That's fair. And tell me in your words  
24 what happened when you got to the corner.

25 A. So, again, the same officer was telling me to



T. SEFOLOSHA

1 that would lead you to the conclusion that they were  
2 calming him down or backing him up?

3 A. Yes.

4 Q. What did they do?

5 A. Well, they kind of pushed him away a little bit  
6 and told him to slow down with a gesture (indicating).

7 Q. So with their hands extended and sort of out in  
8 front of them and then down toward the ground.

9 A. Correct.

10 Q. Okay. So now once you are on the corner and  
11 you're heading up 10th Avenue, you said there were four  
12 other officers.

13 A. Yeah.

14 Q. Approximately.

15 A. Yeah.

16 Q. Do you remember any of their names?

17 A. Not just like this. If you tell me their names,  
18 I might.

19 Q. Okay.

20 A. I might recall.

21 Q. Well, let's continue with what happened first.

22 So after you're heading up 10th Avenue and there are four  
23 other officers, what happens at that point?

24 A. So then the car is there, and so we -- I ask the  
25 lady, I said, "Are you free? Is it okay if we come with

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1     you?" She says, "Yes." So I'm ready to go inside the car,  
2     and this homeless guy that I had seen earlier comes to me  
3     and asked me for some money.

4         Q.       Okay. Let me stop you right there. When you're  
5     referring to the car, the car is there, where specifically  
6     is the car?

7         A.       Right at the corner of 17th and 10th Street.

8         Q.       Okay. On 17th or on 10th?

9         A.       On 10th.

10        Q.       And the driver was a lady?

11        A.       Correct.

12        Q.       Can you describe her?

13        A.       A black lady. I can't really tell you much more.

14        Q.       Okay. Did a police officer open the door for you  
15     to enter that black SUV?

16        A.       Yes.

17        Q.       Do you know who that officer was?

18        A.       If you tell me the name, I can tell you.

19        Q.       Sure.

20        A.       I don't -- yeah.

21        Q.       Sure. Was it Officer Dongvort?

22        A.       Yes.

23        Q.       Did he say anything to you like, "Here, I'll open  
24     the car, just get in it," or did he just go over and open  
25     it without saying anything?

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1 MR. SPIRO: If you remember.

2 THE WITNESS: Hu?

3 MR. SPIRO: If you remember.

4 A. I mean, I can't really remember.

5 Q. Okay. Which door did he open for you?

6 A. I believe the door that was in the back and on  
7 the side.

8 Q. Okay. So the door in the back on the sidewalk  
9 side?

10 A. Correct.

11 Q. Did you ever say to yourself at that point  
12 anything along the lines of like, "Wow, this officer wants  
13 me out of here this bad that he's opening the door for me"?

14 MR. SPIRO: Objection.

15 A. Did I tell myself that?

16 Q. Yeah.

17 A. Something along those lines, yeah.

18 Q. So after he opens the door, what do you do?

19 A. So I was ready to get inside the car, and this --  
20 like I said, the homeless guy comes very close and said,  
21 "Hey, do you have anything for me?"

22 Q. Okay. When you say you were getting ready to go  
23 in the car, did you actually cross the threshold of the  
24 door or you were just approaching the door? Tell me what  
25 you mean by getting ready to go in the door.

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1 A. I'm not sure.

2 Q. All right. And I just want to be accurate. When  
3 you took that extra step to hand the money, how was your  
4 body positioned? Was your arm extended, one arm, two arms?

5 A. So one arm was extended. One arm was close to my  
6 pocket or close to my body.

7 Q. Okay. And when that -- the one arm that was  
8 extended, was your hand open or shut?

9 A. It wasn't shut. It was just as if you have  
10 something in your hand, like holding a piece of paper, so  
11 -- and the \$20 bill was right at my tips --

12 Q. Okay. So your --

13 A. -- tips of my fingers.

14 Q. -- your fingers are closed, but there was  
15 something between your thumb and your index finger.

16 A. Correct.

17 Q. Now, did any of -- well, I'll withdraw that  
18 question. Do you know if Mr. Antic got in the black SUV?

19 A. He didn't.

20 Q. Did Ms. Colon go inside the black SUV?

21 A. I don't know.

22 Q. Okay. Did Ms. Porter go inside the black SUV?

23 A. I don't know.

24 Q. When you took that step to hand the homeless  
25 person the money, how would you describe your pace? Was it

T. SEFOLOSHA

1 French. I just want to say that because you're asking me  
2 about people speaking French and me speaking French. It  
3 was a total coincidence. I don't know these people.

4 Q. Okay. If there's anything that you want to say  
5 at any point, just let me know, and I'll let you go on the  
6 record. Okay?

7 A. Uh-huh (affirmative).

8 Q. Up until now, is there anything that you want to  
9 go back and clarify or you're okay?

10 A. Uh-huh (affirmative).

11 Q. All right. Now, going back to when you had an  
12 officer on either side of you, what happened -- up until  
13 the point where we were discussing, what happened after  
14 that?

15 A. So more officers started pulling both arms, and  
16 one grabbed my left -- left leg, I believe. And another  
17 officer kicked me in the right leg, lower right leg.

18 Q. Okay. You said one officer kicked you in the  
19 right leg, and the other one grabbed your left leg?

20 A. Yes.

21 Q. Could you see that happening or could you just  
22 feel it?

23 A. I felt it.

24 Q. All right. Did you see the officers actually  
25 doing either of those things?

T. SEFOLOSHA

1 A. I believe I saw the one doing it to my right leg.

2 Q. Okay. So you actually saw a police officer kick  
3 you in the right leg?

4 A. After he kicked me, I saw the officer standing on  
5 my right leg.

6 Q. Okay. Did you see the kick itself?

7 A. From the corner of my eyes, but not -- no. It's  
8 tough to say. I don't -- I mean, everything happened so  
9 fast. I'm not -- I'm not sure.

10 Q. Okay. So just so we're clear, I'll ask it again.  
11 Did the officer -- did you see an officer kick you in the  
12 right leg?

13 A. I'm not sure.

14 Q. But what you're saying is after you felt what  
15 you're calling a kick, you turned and you saw an officer  
16 right there.

17 A. Yes.

18 Q. Do you know which officer that was?

19 A. The tall Caucasian. I don't remember his name or  
20 -- I'm not for sure.

21 Q. Did you see this officer at your criminal trial?

22 A. Yes.

23 Q. All right. But you just don't recall his name.

24 A. Correct.

25 Q. Now, would you say that you were kicked once or

T. SEFOLOSHA

1 more than once?

2 A. Once.

3 Q. And when you say that it was -- I'll withdraw  
4 that question. Were you standing when you felt yourself  
5 get kicked or were you on the ground?

6 A. I was standing.

7 Q. At some point did you go to the ground?

8 A. Yes.

9 Q. When was that in relation to you feeling someone  
10 kick you?

11 A. It was right after the kick.

12 Q. Did you go down because of the kick, as far as  
13 you know?

14 A. Not exactly. I was -- I believe the officer  
15 after the kick kind of pulled me to the ground.

16 Q. Okay. That same officer pulled you to the ground  
17 or the officers pulled you to the ground?

18 A. The officers.

19 Q. Did you experience pain?

20 A. Yes.

21 Q. At that point?

22 A. Yes.

23 Q. Immediately after you felt yourself get kicked?

24 A. Yes. At the moment I was kicked, yes.

25 Q. Where on your body do you say you felt being

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1 kicked?

2 A. So my ankle and also right in the middle between  
3 my knee and my ankle.

4 Q. So just so I'm clear, the kick hit where, the  
5 ankle or the middle of the leg?

6 A. Middle of the leg.

7 Q. Okay.

8 A. Middle of the lower leg.

9 Q. All right. And then what happened with respect  
10 to your ankle?

11 A. Can you rephrase the question?

12 Q. Sure. Did anyone kick your ankle?

13 A. Directly the ankle?

14 Q. Yes.

15 A. No.

16 Q. Okay.

17 A. No. I believe the officer was standing on it  
18 once I was on the ground, but --

19 Q. Do you know which officer?

20 A. I'm not sure, but I believe the same one who  
21 kicked, that kicked.

22 Q. And after -- withdrawn. When you were on the  
23 ground, where, if anywhere, were you feeling pain?

24 A. My ankle and my -- the middle of my lower leg.

25 Q. After you were kicked, did you say anything?



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1       A.       After, you mean right after, in the next 10  
2 minutes, 5 minutes, 20 minutes?

3       Q.       Right after. Did you say, "Why did you kick me?"

4       A.       Yes. When I was in the custody of the police,  
5 yes.

6       Q.       Okay. On the street though, did you say anything  
7 after you were kicked?

8       A.       I believe so, yes.

9       Q.       Do you remember what you said?

10      A.       So once they -- they put the handcuffs on me when  
11 I was on the ground, pulled me back up, and I turned and I  
12 said, "Why did you kick me?" I believe so, yes.

13      Q.       Okay. Did you say anything else, still on the  
14 street?

15      A.       I was asking why they were arresting me.

16      Q.       Did they say -- did anyone respond to you?

17      A.       No.

18      Q.       Did anyone respond when you asked why you were  
19 kicked?

20      A.       No.

21      Q.       So once you're on the ground, how long after were  
22 you handcuffed?

23      A.       Right away.

24      Q.       Do you know who placed you in handcuffs?

25      A.       No.

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1 Q. After you were handcuffed, were you immediately  
2 picked up?

3 A. Yeah. I don't recall.

4 Q. Okay. Approximately how long would you say you  
5 were on the ground for?

6 A. About 10 seconds.

7 Q. You mentioned the officer kicked you and then was  
8 standing on your ankle. Did anyone punch you that night?

9 A. I don't think so.

10 Q. Okay. Did anyone strike you with a baton or an  
11 asp?

12 A. I don't think so.

13 Q. Did anyone strike you in any way aside from what  
14 you have mentioned?

15 A. I don't think so.

16 Q. Looking back on what happened that night, is  
17 there anything you wish you would have done differently?

18 MR. SPIRO: Objection. You can answer that  
19 question.

20 A. It's a tough question. I didn't do anything  
21 wrong, so it's hard to go back and say I would have done  
22 something differently. I wish the outcome would have been  
23 different and the way things were handled would have been  
24 different.

25 Q. Do you think that you or your behavior

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## C E R T I F I C A T E

I hereby certify that the foregoing transcript was reported, as stated in the caption; that the witness was duly sworn and elected to reserve signature in this matter; that the colloquies, questions and answers were reduced to writing under my direction; and that the foregoing pages 1 through 91 represent a true, correct, and complete record of the evidence given.

I further certify that I am not disqualified for a relationship of interest under O.C.G.A. 9-11-28(c); that I am a Georgia Certified Court Reporter here as a representative of D'Amico Gershwin, Inc.; that D'Amico Gershwin was contacted by Diamond Reporting to provide court reporting services for this deposition; that I will not be taking this deposition under any contract that is prohibited by O.C.G.A. 15-14-37(a) and (b) or Article 7C of the Rules and Regulations of the Board; and by the attached disclosure forms I confirm that I/D'Amico Gershwin is not a party to a contract prohibited by O.C.G.A. 15-14-37 or Article 7C of the Rules and Regulations of the Board.

This, the 27th day of January, 2017.



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CINDY GATEWOOD, CCR-B-1400

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